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7 LIBERTY LIFE ASSURANCE COMPANY OF  
BOSTON

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MICHAEL CREMIN

**Plaintiff,**

V.

# **MCKESSON CORPORATION EMPLOYEES' LONG TERM DISABILITY BENEFIT PLAN**

## Defendants

CASE NO. C 07-1302-JL

**DECLARATION OF KATHRYN C.  
CURRY IN SUPPORT OF  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES SHOULD  
BE RELATED |CIVIL L.R. 3-12, 7-11|**

# LIBERTY LIFE ASSURANCE COMPANY OF BOSTON

## Real Party In Interest,

I, KATHRYN C. CURRY, declare that I am an attorney at law licensed to practice before all courts of the State of California and the United States District Court, Northern District of California. I am a partner with the law firm of Ropers, Majeski, Kohn & Bentley, counsel of record for real party in interest Liberty Life Assurance Company of Boston (“Liberty Life”) herein. The matters stated in this Declaration are of my own personal knowledge and if called to testify, I would and could testify competently thereto.

1. Attached hereto as Exhibit "A" is a true and correct copy of the Complaint filed in  
Cremin v. McKesson Corporation Employees Long-Term Disability Benefit Plan, No. C 04-  
4394-CW.

2. Attached hereto as Exhibit "B" is a true and correct copy of the Court-approved Stipulation and Order Re Substitution of Liberty Life Assurance Company Of Boston For Defendant McKesson Corporation Employees' Long Term Disability Plan and dismissing the McKesson Plan from the action. The Stipulation and Order was filed on January 5, 2005.

3. Attached hereto as Exhibit "C" is a true and correct copy of Cremin's Request for Review of Liberty Life's Discontinuation of Long Term Disability Benefits filed on October 21, 2005.

4. Attached hereto as Exhibit "D" is a true and correct copy of Liberty Life's Opposition and Cross-Motion for Judgment filed on November 17, 2005.

5. Attached hereto as Exhibit "E" is a true and correct copy of this Court's Order Denying Plaintiff's Motion For Judgment, Denying Defendant's Cross-Motion, and Remanding Case to Plan Administrator. The Order is dated December 21, 2005.

6. Following remand, Liberty Life completed its further investigation on October 10, 2006, and upheld the decision to deny benefits effective September 1, 2002.

7. Attached hereto as Exhibit "F" is a true and correct copy of the Complaint filed March 6, 2007 seeking review of Liberty Life's decision to uphold its prior decision to discontinue Cremin's disability benefits in Case No. C 07-1302-JL.

8. Cremin's Civil Cover Sheet in case No. C 07-1302-JL lists "Cremin v. McKesson, et al Case No. C04-4394CW" as a related case. Attached hereto as Exhibit "G" is a true and correct copy of the Civil Cover Sheet in case No. C 07-1302-JL.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct and that this declaration is executed in Redwood City, California on July 6, 2007.

/s/ Kathryn C. Curry  
KATHRYN C. CURRY